

## The Court Report

2<sup>nd</sup>Police District

Covering the Month of July 2005

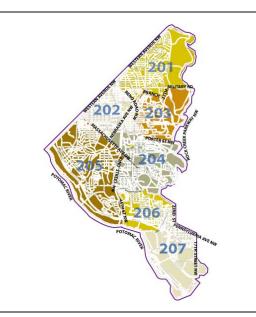
Building Safer Neighborhoods Through Community Partnership www.DCcommunityprosecution.gov

#### **SUMMARY OF RECENT COURT CASES**

- ➤ Nabih E. Bedewi, 41, was sentenced June 29, 2005 to 38 months of imprisonment to be followed by three years of supervised release and 50 hours of community service. Bedewi was also ordered to pay restitution of \$872,220.99 immediately. Bedewi pled guilty on April 13, 2005, to one count of theft of concerning a program receiving federal funds, in violation of 18 U.S.C. Section 666.
- ➤ **Dewitt Davis**, 67, pled guilty June 30, 2005 to the charge of interstate transportation of stolen property. Sentencing is scheduled for September 8, 2005. The defendant faces a maximum of 10 years in prison under the statute and a fine of \$250.000.
- ➤ Humanscale Corporation (formerly Softview Computer Products), a company that provides furniture and office products to the federal government, has agreed to pay the United States \$9 million to resolve allegations that the company overcharged the government, the Justice Department announced June 30, 2005.
- ➤ Randall A. Holloway was sentenced to 24 months confinement on June 27, 2005, following a guilty plea on March 29, 2005, to Carrying a Pistol Without a License.

A detailed descriptions of these and other cases from the 2<sup>nd</sup> District are provided inside of this report.

#### THE 2<sup>ND</sup> POLICE DISTRICT



#### **Contact Numbers**

#### **Homicide & Major Crimes Sections**

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202-307-9999

Daniel Zachem Deputy Chief - Homicide

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**2D Community Prosecutor** 

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202-282-0700

#### 2<sup>ND</sup> DISTRICT COMMUNITY PROSECUTION UPDATE



#### **Construction & Renovation Site Burglaries/Thefts Increase**

There has recently been an increase in the number of reports of theft of construction equipment and supplies. These reports include construction site burglaries where tools are taken and renovation sites where new appliances are taken. Much of the construction site tool & appliance theft is fueled by the illicit purchase of stolen equipment by construction crews. The U.S. Attorney's Office and MPD have now embarked on a campaign to dissuade contractors from contributing to the problem by purchasing this equipment. Undercover police will soon infiltrate the communities to snag those willing to purchase obviously stolen equipment. The maximum punishment for receipt of stolen goods is 7 years imprisonment and a \$,000 fine. The maximum punishment for trafficking in stolen property is 10 years confinement and a \$10,000 fine.



#### DEFENDANTS WHO WERE CONVICTED IN FIREARMS CASES

Under the Project Safe Neighborhoods (PSN) initiative, <u>24 persons</u> were convicted of firearms offenses in July 2005. PSN is a partnership between local and federal agencies to reduce gun violence in the District of Columbia. The following the offense that occurred in this district:

**Randall A. Holloway**, of the 200 block of Oakwood Street, S.E., was sentenced to 24 months confinement by Judge Motley on June 27, 2005, following a guilty plea on March 29, 2005, to Carrying a Pistol Without a License. **Holloway** was arrested on August 15, 2004, in the 3300 block of P Street, N.W. (PSA 206)

#### DEFENDANTS WHO WERE CONVICTED OR PLED GUILTY AND WERE SENTENCED IN A NUMBER OF DRUG CASES

**Marissa Borsani,** of the 4200 block of Massachusetts Avenue, N.W., was sentenced to six months probation by Judge Harold L. Cushenberry on July 22, 2005, following a guilty plea on June 23, 2004, to Possession with Intent to Distribute a Controlled Substance. **Borsani** was arrested on August 21, 2003, in the 4200 block of Massachusetts Avenue, N.W. (PSA 204)

#### DISTRICT COURT CASES

Dashiell Ponce de Leon, 26, of Richmond, Texas, pleaded guilty June 22, 2005 before the Honorable Gladys Kessler, United States District Court Judge, to a one-count Information charging Criminal Copyright Infringement, in violation of 18 U.S.C. § 2319(b)(1) and 17 U.S.C. § 506(a)(1) and (b), in connection with his illegal Internet sales of over \$1 million of copyright protected software and video games from web sites he owned and operated. Ponce de Leon faces a statutory maximum sentence of 5 years incarceration, a \$250,000.00 fine, a three-year term of supervised release, and an order to pay restitution. Under the federal sentencing guidelines, the defendant faces a likely sentencing range of 46 to 57 months of incarceration. In addition, a provision of the plea agreement in this case requires Ponce de Leon to forfeit to the United States all of his computer equipment, peripherals, and all digital media containing infringing copies of copyright protected works, which were seized by federal agents from residences and his business pursuant to duly authorized search warrants. Sentencing is scheduled for October 6, 2005.

According to information presented to the Court by Assistant U.S. Attorney Sherri L. Schornstein, from approximately December 1, 2002 through May 2003, Ponce De Leon owned and operated the web sites: "Powerbackups Ultimate Software Backup Resource" ("www.Powerbackups.com") and "Softworks #1 Software Backup Service" ("www.Softworks.com"). From these web sites, he advertised for sale, at prices far below the manufacturers' suggested retail prices, over 200 software and video game titles, all of which

were protected by copyright. Legitimate copies of the software programs and games listed for sale on the two web sites had retail values ranging from \$30.00 to over \$26,000.00 per copy.

Neither defendant Ponce De Leon nor any one doing business under the named web sites <a href="http://www.Softworks.comhttp://www.Powerbackups.com">http://www.Softworks.comhttp://www.Powerbackups.com</a> was authorized by the copyright owners to reproduce, sell or distribute the software or video game titles advertised for sale on the web sites. Ponce de Leon obtained illegal copies of the software programs offered for sale on his web sites by downloading the illegal, "pirated," software programs from various "warez" web sites. Warez web sites are Internet locations that offer software and other programs which have been illegally manipulated to defeat or bypass copyright protection programming.

Ponce de Leon advertised on his web sites that the only difference for a purchaser buying software from his web sites versus in a store was that the purchaser would not receive the box and the manual. Both web sites instructed purchasers that payment for the software programs should be made through PayPal. Once an order was received, Ponce De Leon reproduced the pirated software programs and video games, packaged the CDs for distribution, and mailed them to the customers. Numerous titles were purchased by a Special Agent of the Federal Bureau of Investigation, acting in an undercover capacity, and shipped by Ponce de Leon to the District of Columbia and elsewhere, including Macromedia Flash MX (retail value \$499.00), Microsoft Office XP Premium (retail value \$579.00), and Microsoft Windows XP Pro (retail value \$299.00), Adobe Photoshop 7 (retail value \$609.00), Autodesk Building Systems (retail value \$4,016.65), Lightwave 6 (retail value \$2,495.00), MS Office XP Premium (retail value \$579.00), and NBA Live 2003 (retail value \$39.99), Adobe Golive 6 (retail value \$399.00), Lightwave 6 (retail value \$2,495.00), Mastercam 8 (retail value \$12,900.00), Macromedia Studio MX (retail value \$899.00), and Macromedia Flash 5 (retail value \$499.00), Autodesk Autocad 2004 (retail value \$3,750.00), Harry Potter 2 (retail value \$34.99), Lightwave 7 (retail value \$795.00), MS Windows 2K Datacenter (retail value \$26,000.00), and MS Office XP 2003 (retail value \$579.00).

From approximately January 2002 through May 2003, Ponce De Leon received via Paypal and converted to his own benefit approximately \$192,000.00 in payments from persons purchasing the pirated software and video games, described above. The total retail value of all pirated sales for the titles reflected in the undercover purchases and other identical title sales as documented in customer payment records totaled \$1,154,395.85.

Nabih E. Bedewi, 41, of Reston, Virginia, was sentenced June 29, 2005 before United States District Judge Richard W. Roberts to 38 months of imprisonment to be followed by three years of supervised release and 50 hours of community service. Bedewi was also ordered to pay restitution of \$872,220.99 immediately. Bedewi pled guilty on April 13, 2005, to one count of theft of concerning a program receiving federal funds, in violation of 18 U.S.C. Section 666.

According to the Government's evidence, Bedewi was a tenured professor at George Washington University's School of Engineering and Applied Science. He was also the Director of the George Washington University National Crash Analysis Center (NCAC). The NCAC is a research and resource center for transportation safety studies on vehicles and highways,

headquartered in Ashburn, Virginia. It receives approximately 80 percent of its funding from the Federal Highway Administration and National Highway Traffic Safety Administration. Bedewi caused the NCAC to pay approximately \$991,909.31 in fraudulent transactions to entities that Bedewi had an ownership interest in and/or controlled. As part of the scheme, which occurred between April 2000 and July 2004, Bedewi caused to be submitted and approved for payment invoices containing fictitious labor, equipment, and consulting expenses. He also made false representations to establish unauthorized stipends to a family member and a spouse of a business associate and a tuition scholarship for the spouse of a George Washington University employee. NCAC expenses are routinely subject to reimbursement by the Federal Highway Administration and National Highway Traffic Safety Administration as part of the federal funding of NCAC's activities. Many of Bedewi's fraudulent transactions were subject to reimbursement, resulting in losses to the federal government and George Washington University/NCAC totaling approximately \$991,909.31.

Dewitt Davis, 67, of the 2900 block of Van Ness Street, Washington, D.C., pled guilty June 30, 2005 in U.S. District Court before the Honorable John D. Bates to the charge of interstate transportation of stolen property. Sentencing is scheduled for September 8, 2005. The defendant faces a maximum of 10 years in prison under the statute and a fine of \$250,000. Under the federal sentencing guidelines, the defendant faces a likely sentence of six to twelve months of incarceration.

According to the government's evidence and a statement signed by the defendant, Davis had worked as a professor of geography at the University of the District of Columbia ("UDC") since 1984. Between 1997 and 2002, UDC had been approved to receive grant funds in the amount of \$45,000 from the United States Geological Survey ("USGS"). The grant funds were designated to be used to research a water resource project.

In an effort to steal the grant funds, in March 1997, Davis sent a direct deposit form to the USGS, directing the money to go into his personal account rather than the University account. Accordingly, between October 1997 and March 2002, approximately \$45,000 was deposited into Dewitt's personal account on six separate occasions.

Humanscale Corporation (formerly Softview Computer Products), a company that provides furniture and office products to the federal government, has agreed to pay the United States \$9 million to resolve allegations that the company overcharged the government, the Justice Department announced June 30, 2005.

The government alleged that the New York firm failed to disclose current, accurate and complete discount and pricing information to the General Services Administration (GSA) contract negotiators and failed to comply with the price reduction clauses for three of its GSA Multiple Award Schedule contracts resulting in the overcharging of the government.

The settlement, which covers overcharges that occurred between April 1, 1998 and December 31, 2004, also resolves charges originally brought against Humanscale Corporation by a former employee, Gerald Rademacher. The government took over prosecution of the case in 2005.

Under the settlement, Mr. Rademacher will receive \$1,575,000 for bringing the matter to the attention of the government. Under the *qui tam* or whistleblower provisions of the False Claims Act, a private party can file an action on behalf of the United States and receive a portion of the settlement if the government takes over the case and prosecutes it successfully.

The United States has filed a complaint against Second Chance Body Armor and the Toyobo Company, seeking to recover damages relating to the sale of defective Zylon bulletproof vests to the United States, Peter D. Keisler, Assistant Attorney General for the Justice Department's Civil Division and Ken Wainstein, U.S. Attorney for the District of Columbia, announced July 1, 2005. The vests were manufactured by Second Chance and were made of Zylon fiber manufactured by Toyobo.

The government's False Claims Act complaint alleges that the defendants provided defective Zylon bulletproof vests to federal, state and local law enforcement agencies with knowledge that the strength and bullet-stopping capacity of the Zylon vests were substantially weaker than represented. The complaint further alleges that Second Chance of Central Lake, Michigan and Toyobo of Japan entered into a conspiracy to suppress evidence that the Zylon fabric degraded faster than disclosed to the United States, particularly when exposed to light, heat and humidity. The United States bought the vests directly and partially reimbursed state and local law enforcement agencies for their purchases of the vests under the Bulletproof Vest Grant Partnership Act.

The *qui tam* or whistleblower lawsuit was originally brought by the former Director of Research and Composite Development of Second Chance, Dr. Aaron J. Westrick, in February 2004. Under the False Claims Act, a private citizen can sue on behalf of the United States and may share in any recovery. The United States is seeking civil fraud damages that are recoverable under the False Claims Act and common law.

Bernard Gurr, 52, a former credit union manager in American Samoa, was resentenced July 7, 2005 by Chief Judge Thomas F. Hogan of the United States District Court for the District of Columbia to a term of imprisonment of 70 months, to be followed by three years of supervised release, in connection with his conviction on federal conspiracy, fraud, and obstruction charges in a \$4.5 million bank failure case. Gurr was also ordered to pay restitution in the amount of \$65,000. Chief Judge Hogan found that Gurr's actions during the time he was manager of the American Samoa Government Employees Federal Credit Union caused the collapse of a financial institution. The case had been remanded to Judge Hogan for resentencing following the Supreme Court's decision in United States v. Booker, which held that the federal Sentencing Guidelines were not mandatory. Judge Hogan imposed the same period of incarceration as he had imposed in 2003.

Gurr was convicted on April 9, 2001, after a three and a half week jury trial, of eighteen counts including conspiracy, violating books and records requirements under the National Credit Union Administration ("NCUA"), lying to the NCUA examiners about the financial condition of the American Samoa Government Employees Federal Credit Union ("Credit Union") which he headed, obstructing the examination of a financial institution, and tampering with a witness.

The United States Attorney's Office for the District of Columbia has jurisdiction over American Samoa by virtue of a federal law, which provides that offenses not committed in any judicial district shall be tried in the District of Columbia.

The government's evidence at trial demonstrated that Gurr, who was the Credit Union's manager, conspired with other Credit Union employees, loan officers and collections agents between 1990 and 1993 to hide the true, failing financial condition of the Credit Union from the NCUA examiners who were required to make periodic visits. The proof at trial showed that Gurr orchestrated a cover-up of the financial condition of the Credit Union by creating false delinquent loan reports, which masked the actual delinquency rate of the loans extended by the Credit Union. Through his computer access and knowledge, Gurr changed due dates and interest rates for loans without the knowledge of the borrowers. He also created a system within the Credit Union where he personally approved loans without consulting the Credit Committee of the Board of Directors of the Credit Union. Although there were loan policies in place, Gurr, as manager, ignored them in favor of friends and family. The evidence also showed that Gurr embezzled credit union funds by creating a false loan account with funds from this account flowing directly to him.

Additionally, Gurr knew when the examiners from the NCUA were coming to look at the Credit Union and subsequently instructed his employees to hide their indebtedness in excess of \$50,000 and to create new loans in the names of their children or spouses with different last names. He also instructed the Credit Union employees not to speak with the examiners, but to refer all questions to him directly. The proof at trial further revealed a convoluted accounting scheme in which Gurr directed the Credit Union bookkeepers to keep certain accounts away from the examiners.

As the examiners determined that the Credit Union had a delinquent loan rate far in excess of 20%, they realized that the Credit Union would have to be placed into a conservatorship by the NCUA in October 1993. When the NCUA examiners and officials arrived on American Samoa to serve the papers of conservatorship upon Gurr and the Board of Directors, Gurr resisted and took Credit Union documents and property in response. The NCUA was forced to seek a permanent injunction in the High Court of American Samoa demanding Gurr's return of the property. Many of the documents were not seen again until Gurr was arrested on an FBI warrant as he deplaned in Honolulu, Hawaii, on December 11, 1999. He had two boxes worth of Credit Union documents in his luggage, including several loan files.

More than 30 witnesses testified at trial and many former employees of the Credit Union traveled to Washington from American Samoa. Three co-conspirators, Mene Loia, Aukuso Afano Ah Ching, and Eneliko Kelemete, former loan officers at the Credit Union, testified for the government. Ah Ching and Kelemete were sentenced to one year of probation. Loia was sentenced to one day in jail and five years of supervised release. Each of the co-defendants entered prompt guilty pleas and were key in making the government's case against Gurr.

On July 7, 2005, a federal grand jury sitting in the District of Columbia returned an 18count indictment charging Barbara Joan March, 59, of Bridgeport, Connecticut, with mailing threatening communications and injurious articles to the Justices of the United States Supreme Court and the Director and Deputy Director of the FBI, in violation of Title 18, United States Code, Sections 876(c) and 1716(a) and (j)(2). The defendant was arrested by FBI agents on June 24, 2005, in Connecticut and is currently awaiting removal to the District of Columbia to face the charges. The maximum penalty upon a conviction for mailing a threatening communication is ten years in prison, while the maximum penalty upon conviction for mailing injurious articles is 20 years in prison.

The indictment charges that on or about April 22, 2005, March mailed eleven letters, postmarked New York, New York, to the Supreme Court Justices and FBI officials. Each letter stated either "I am" or "We are," followed by "going to kill you. This is poisoned." Each of the letters also contained either the crumbled remnants of what appeared to be a baked good or a smashed piece of candy. The indictment alleges that seven of the letters addressed to the Supreme Court Justices contained rat poison.

On Friday, July 8, 2005, United States District Judge Richard Roberts sentenced William Farrell, 59, of the 3500 block of Hertford Place, NW, Washington, D.C., to 324 months of incarceration for conspiracy to possess with the intent to distribute and distribute cocaine, cocaine base, and heroin; possession with the intent to distribute 5 grams or more of cocaine base; and unlawful distribution of cocaine. The Court also sentenced Farrell to a concurrent 240 months of incarceration for conspiracy to commit money laundering, and maintaining a dwelling for the purpose of manufacturing, distributing, and using controlled substances. Judge Roberts ordered that Farrell serve ten years of supervised release upon completion of his prison sentence. The Court also ordered the defendant to pay forfeiture in the amount of \$874,800.00, for which the defendant is jointly and a severally liable, and a separate forfeiture of \$28,560.00, for which he is individually responsible.

This sentence resulted from a federal jury finding William Farrell, and co-conspirators Carroll Fletcher, age 49, of Oxon Hill, Maryland, and Nathaniel Law, 43, of the 2000 block of Rosedale Street, NE, Washington, D.C., of numerous federal narcotics and money laundering offenses after approximately seven weeks of trial on January 19, 2005. On April 19, 2005, Judge Roberts sentenced co-defendants Fletcher and Law to life in prison for their roles in the conspiracy to distribute illegal narcotics.

The trial evidence demonstrated that between January 1996 and November 2003, William Farrell obtained kilogram quantities of cocaine and additional quantities of heroin from sources in the state of New York and elsewhere and redistributed these illegal substances to Carroll Fletcher, Nathaniel Law, and others for resale on the streets in the Washington, D.C., metropolitan area. The majority of these kilogram quantities of powder cocaine were cooked into cocaine base, in the form known as crack, by Fletcher, Law, and others at various apartments, to include residences at 200 K Street, Northwest, and 2002 Rosedale Street, Northeast. These drugs were then sold at numerous locations throughout the District of Columbia, primarily including 9th and P Streets, Northwest, 4th and New Jersey Avenue, Northwest, 4th and Rhode Island Avenue, Northeast, and the 2300 block to the 2600 block of North Capitol Street, Northeast.

During the conspiracy, agents with the Federal Bureau of Investigation and Metropolitan Police Department conducted extensive physical surveillance, executed judicially authorized wiretaps on three cellular telephones, executed at least seven search warrants, and made undercover purchases or seizures of crack cocaine on at least seven different occasions. These actions led to the recovery of significant quantities of powder and crack cocaine, firearms, drug contraband, and thousands of dollars in U.S. and foreign currency.

Ronnell Holmes, 33, of Upper Marlboro, Maryland, was convicted on Monday, July 11, 2005, by a federal jury of unlawful possession of a firearm by a person previously convicted of a felony. Holmes will be sentenced on September 23, 2005, before U.S. District Judge John D. Bates. This case was prosecuted under the Project Safe Neighborhoods (PSN) initiative. PSN is a partnership between local and federal agencies to reduce gun violence in the District of Columbia.

Evidence at trial established that at approximately 3:40 a.m. on February 13, 2005, Metropolitan Police Department Officers John Delaroderie and Steven Greene, who were in full uniform and in a marked cruiser, observed a man and woman standing in the rear alley of the 200 block of N Street, NW, in the District of Columbia. Upon seeing the officers, the man the officers observed – later identified as the defendant – started running away from the officers. Officer Delaroderie exited the cruiser and pursued Holmes on foot, following as Holmes ran east in the alley. Officer Greene drove the cruiser around the block in an attempt to cut Holmes off at Kirby Street, NW. Officer Delaroderie saw Holmes jump over several fences behind private homes, and caught him as he hopped over a fence.

When Officer Green arrived to assist Officer Delaroderie, he noticed a package of brown "E-Z Wider" cigarette wrapping paper sticking partially out of the right front pocket of the defendant's pants, in plain view. Holmes told the officers that he lived in Maryland. When asked how he arrived in the District of Columbia that night, Holmes gave a number of conflicting answers and finally stated that he had driven his vehicle into the area. The defendant also stated that he had just paid \$20 for oral sex with the woman with whom he had previously been seen.

After he gave the officers a full description of his car, the official registration of which was introduced as evidence at trial, Holmes gave the officers written consent to search. Officer Greene searched the vehicle, and found under the driver's seat a gray and silver Ruger P89 9mm semiautomatic firearm. The weapon was loaded with 12 rounds of 9mm ammunition. The defendant had been previously convicted of felony firearm and sex offense charges in the Superior Court for the District of Columbia and was on probation at the time of this offense.

On Friday, July 15, 2005, a federal jury in Washington, D.C., returned guilty verdicts against six serial bank robbers. All six defendants were found guilty of numerous offenses, including conspiracy to participate in a Racketeer Influenced Corrupt Organization (RICO), and substantive bank robbery and weapons violations, stemming from the defendants' commission of six bank robberies in the metropolitan area. One defendant was also convicted of an assault that took place in connection with the defendants' criminal

activities. The defendants are expected to be sentenced later this year by United States District Court Judge Colleen Kollar-Kotelly.

The six defendants are Miguel Morrow, 26, and Lionel Stoddard, 22, both of the 700 block of Marietta Place, NW; Carlos Aguiar, 25, of the 1400 block of Fairmont Street, NW; Bryan Burwell, 27, of the 7300 block of Finns Lane, Lanham, Maryland; Aaron Perkins, 27, of the 2600 block of Brinkley Road, Oxon Hill, Maryland, and Malvin Palmer, 24, of Bronx, New York.

The conviction for RICO conspiracy carries a possible life sentence. Some of the weapons charges carry mandatory-minimum terms of ten (10) and thirty (30) years in prison. The armed bank robbery charges each carry a possible term of twenty-five (25) years of imprisonment. The assault charge carries up to fifteen (15) years of imprisonment.

The RICO conspiracy charged that the six defendants, and others, participated in the following six armed bank robberies in D.C. and Maryland: January 22, 2004, Bank of America, 5911 Blair Road, NW, Washington, D.C., in which approximately \$144,000 was taken; March 5, 2004, Riggs Bank, 7601 Georgia Avenue, NW, Washington, D.C., in which approximately \$92,000 was taken; May 10, 2004, Chevy Chase Bank, 3601 St. Barnabus Road, Temple Hills, Maryland, in which approximately \$54,000 was taken; May 27, 2004, Chevy Chase Bank, 5823 Eastern Avenue, Chillum, Maryland, in which approximately \$18,000 was taken; June 12, 2004, Industrial Bank, 2012 Rhode Island Avenue, NW, Washington, D.C., in which approximately \$30,000 was taken; and June 29, 2004, SunTrust Bank, 5000 Connecticut Avenue, N.W., Washington, D.C., in which approximately \$23,000 was taken.

Defendant Morrow was also convicted of an assault with intent to kill on May 15, 2004, in Northwest Washington, D.C., of an individual who allegedly stole a weapon from the criminal enterprise.

Three other individuals, Noureddine Chtaini, Omar Holmes, and Guidel Noel Olivares, previously pled guilty to related charges in this matter. Two of those defendants, Chtaini and Holmes, also pled to a car jacking and an attempted car jacking that occurred in Maryland during the time of this criminal spree.

Lowell William Timmers, of Cedar Springs, Michigan, was sentenced July 20, 2005 by U.S. District Judge Emmet G. Sullivan to a 34-month period of incarceration followed by three years of electronic monitoring while Timmers is on supervised release. The Court also ordered the defendant to stay away from the Nation's Capital. Timmers entered a guilty plea on March 17, 2005, to one count of Threats or Maliciously Conveyed False Information to Destroy Property by Means of an Explosive.

According to the government's evidence, Timmers had arrived in Washington, D.C., on January 18, 2005, a day after leaving from his home in Cedar Springs, Michigan. For almost five hours, on January 18, 2005, just two days before the Inauguration of the President of the United States, Lowell William Timmers, paralyzed a portion of the Nation's Capital by threatening to destroy the White House and those in and near it. During the stand-off, Timmers'

actions occupied the work of scores of law enforcement officers, forced the closing of several streets and sidewalks, and forced an untold number of innocent citizens to waste an incalculable number of hours trying to get into and out of downtown Washington.

On January 18, 2005, at approximately 3:37 p.m., a U.S. Secret Service Officer saw the defendant, later identified as Lowell W. Timmers, drive an older model red Ford van to the gate that stands to the south side of Pennsylvania Avenue and 15<sup>th</sup> Street, Northwest, Washington, D.C., where the officer was posted. The area behind the gate is a secure portion of the White House grounds and is closed to public vehicular transportation. When Timmers was told to move the vehicle that he was driving from that area, he raised his hand, which appeared to contain a switch device with wires attached, and stated "I want my son and I'm not leaving until my son-in-law is out of jail. I have ten gallons of gas in here and I will blow up the van and the White House." A secure perimeter was set up to protect all life and property nearby. Timmers refused to surrender. The Metropolitan Police Department's Emergency Response Team then began to attempt to negotiate with Timmers.

During the standoff, several streets and sidewalks near and around the intersection of 15<sup>th</sup> Street and Pennsylvania Avenue were closed to vehicular and pedestrian traffic creating gridlock and massive delays for commuters. At approximately 8:15 p.m., over four and half hours after Timmers drove to that location to threaten life and property, he surrendered and was arrested. A search of Timmers' van was conducted by the Metropolitan Police Department's Explosive Ordinance Division. Recovered in the van were 6 glass canisters containing gasoline and several plastic canisters containing gasoline. The canisters appeared to be connected to electrical wiring and a light bulb. Timmers stated that he ran the wires to the canisters and also connected them to a light bulb within the vehicle to make it seem that they could be detonated.

Sixty-five-year-old Edgar Lopez Bertrand, a naturalized U.S. Citizen who was residing in El Salvador, pled guilty July 21, 2005 in Houston, Texas, before U.S. District Judge David Hittner to two counts of False Statements in the Application for United States Passports. The plea agreement contemplates a sentence equivalent to the time Bertrand will have served at the time of his sentencing, or approximately a three-month period of incarceration. The maximum penalty for this offense is ten years. Pursuant to the federal rules of criminal procedure, the plea proceedings and the sentencing are being handled by the U.S. Attorney's Office for the Southern District of Texas, the jurisdiction where Bertand was arrested, at his request and by agreement between that U.S. Attorney's Office and the U.S. Attorney's Office for the District of Columbia. Bertrand will remain incarcerated pending his sentencing, which is scheduled for August 11, 2005, before the Honorable Lee H. Rosenthal.

According to the government's evidence, on February 17, 1995, the defendant, Edgar Lopez Bertrand, presented a fraudulent El Salvadorian birth certificate in the name of Pamela Lopez Bertrand to the Consular Section at the U.S. Embassy in San Salvador, El Salvador. Edgar Bertrand claimed that Pamela Lopez Bertrand was his biological daughter. As a result of his representations, a U.S. Department of State Consular Report of Birth Abroad (FS-240), # 159-0217530, was issued in the name of Pamela Lopez Bertrand certifying her as a U.S. Citizen. Edgar Bertrand then executed, swore to the veracity of, and signed an Application for U.S.

Passport (DS-11) on behalf of Pamela Lopez Bertrand. He presented the fraudulent El Salvadorian birth certificate and fraudulent FS-240 in support of the DS-11. As a result of the application, U.S. Passport # Z7491913 was issued on February 17, 1995, in the name of Pamela Lopez Bertrand.

On February 2, 2000, Bertrand applied for a renewal passport on behalf of Pamela Lopez Bertrand at the U.S. Embassy in San Salvador, El Salvador. He again executed, swore to the veracity of, and signed a DS-11. Bertrand presented U.S. Passport # Z7491913 as proof of identification for Pamela Lopez Bertrand. As a result of the application, U.S. Passport # 701583691 was issued in the name of Pamela Lopez Bertrand.

On January 27, 2005, Bertrand executed, swore to the veracity of and signed a DS-11 for a renewal passport on behalf of Pamela Lopez Bertrand at the U.S. Embassy in San Salvador, El Salvador. Bertrand presented U.S. Passport # 701583691 and FS-240 # 159-0217530, both in the name of Pamela Lopez Bertrand, as proof of identity. The Consular Officer, accepting the application, noted the female child bore no physical resemblance to Edgar Bertrand. The case was referred to the Bureau of Diplomatic Security's Regional Security Office at the U.S. Embassy in San Salvador, El Salvador for investigation, following which a Special Agent interviewed Edgar Bertrand. During the interview, the defendant stated, and subsequently wrote in a statement, that Pamela Lopez Bertrand is not his biological daughter and had not been legally adopted by him. Bertrand also stated that the El Salvadorian birth certificate he used to obtain the Consular Report of Birth Abroad was fraudulent.

Bertrand was arrested on May 16, 2005, at Houston's Intercontinental Airport pursuant to an arrest warrant obtained through the United States District Court for the District of Columbia.

Former D.C. Department of Motor Vehicles clerk, Lisa B. Johnson, 42, of the 1700 block of Lyman Place, NE, Washington, D.C., and Craig C. Hughes, 43, of the 1700 block of F Street, NE, Washington, D.C., were sentenced July 22, 2005 by United States District Judge Colleen Kollar-Kotelly for their parts in a bribery scheme involving the selling of D.C. driver's licenses in fraudulent names from the DMV's Georgetown Branch. Johnson was sentenced to 12 months of incarceration, and Hughes was sentenced to 5 months of incarceration and 5 months of home detention. Both defendants pled guilty on October 24, 2004; Johnson pled guilty to one count of receiving bribes as a public official, and Hughes pled guilty to one count of aiding and abetting in the bribery of Johnson. A third individual, Gregory Murray, 39, of the 1200 block of Otis Place, NW, Washington, D.C., also pled guilty to participating in this same scheme and is scheduled to be sentenced in August.

According to the government's proffer of evidence at the time of the plea, with which the defendants agreed, as well as the affidavits in support of the arrest warrants, which were previously unsealed, this matter involved a joint investigation by the investigative arms of the FBI, Inspector General's Office for the District of Columbia, Office of the Chief Financial Officer for the District of Columbia, the Metropolitan Police Department and the United States Attorney's Office. These agencies were investigating the activities of Johnson relative to her employment with DMV. As part of that investigation, information was developed that an

individual was acting as a middleman in deals to illegally sell D.C. driver's licenses in fraudulent names.

The investigators contacted this individual, Hughes, who agreed to obtain for the investigator, acting in an undercover capacity, two licenses for \$3,200 or one for \$1,800. Hughes told the investigator that he would need the name of an actual person, with a matching Social Security Number, to get the licenses. Thereafter, on two separate occasions, undercover agents met with Hughes and gave him money for the transactions. Hughes then met with Murray, who was the primary contact with DMV employee Johnson, to give him some of the money. Murray escorted the undercover agents into the Georgetown Branch of DMV to meet with Johnson. On the second occasion, before taking the undercover agent to see Johnson, Murray met with Johnson outside DMV and was seen passing her money at that time. Once inside the DMV Office, Johnson processed the licenses for the undercover agents. Although Johnson did not ask for any verification of the identity of the undercover agents, she did put false information on their applications showing that they had turned in out-of-state licenses, had passed the eye test, and were residents of the District of Columbia. After having paid the standard processing fee for a license, the undercover agents left with the licenses with the fraudulent names on them.

On August 26, 2004, an undercover agent conducted another buy of a driver's license in a fraudulent name, and the transaction proceeded in similar fashion to the past occasions. After the undercover agent received the license, all three individuals were arrested.

#### **U.S.** Attorney's Office Web site

The United States Attorney's Office maintains a web site with additional information concerning Office personnel and activities. The web site is: <a href="www.DCcommunityprosecution.gov">www.DCcommunityprosecution.gov</a>

# The Following Report, Titled "Papered Arrests" Contains Details on Arrests and Charges Filed Against Defendants in this District.

PSA	ARREST DATE	CCN	PAPERD LEAD CHARGE & AUSA'S NAME	DEFENDANT'S NAME	PAPERED CASES	SECTION ASSIGNMENT & LOCATION OF OFFENSE
	07/01/2005 17:05	05086653	CARRY PISTOL W/OUT LICENSE-OUTSIDE HOME/BUSIN	MCCARTHUR, DEADRA	F0371005	3720 MCKINLEY STREET NW
_	07/01/2005 17:05	05086653	CARRY PISTOL W/OUT LICENSE-OUTSIDE HOME/BUSIN	MCCARTHUR, ANTONIO	F0371105	3720 MCKINLEY STREET NW
_	07/11/2005 14:30	05091337	UCSA POSS MARIJUANA CHARLES N. FLOYD	PACI, JOSHUA M	M0706105	SC, MISDEMEANOR SECTION CONN AVE & NEBRASKA AVE
	07/15/2005 13:30	05091305	ROBBERY JOCELYN S. BALLANTINE	DORMAN, RICHARD J	F0396205	GRAND JURY SECTION 500039TH ST
	07/28/2005 16:50	05100370	CONTEMPT (FELONY) JOCELYN S. BALLANTINE	DORMAN, RICHARD J	F0425205	SC, FELONY SECTION 5000 BLK RENO RD NW
	07/01/2005 01:15	05086272	ROBBERY EDWARD A. O'CONNELL	GUTIERREZ, JOSE J	F0368705	GRAND JURY SECTION 4100 CONN AVE NW
	07/05/2005 11:00	05139701	THEFT 1ST DEGREE JOCELYN S. BALLANTINE	BROWN, NORA J	F0376805	SC, FELONY SECTION 500 INDIANA AVE.N.W.

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	07/06/2005 16:05	05088895	SHOPLIFTING ELIZABETH A. BARNS	EVANS, CHARLES B	M0687705	SC, MISDEMEANOR SECTION 5333 WISC AVE NW
202	07/10/2005 18:00	05090971	THEFT 2ND DEGREE SCHARN ROBINSON	CERNA, EDITH E	M0748705	SC, MISDEMEANOR SECTION 5300 WISCONSIN AVE NW
	07/10/2005 18:00	05090971	THEFT 2ND DEGREE SCHARN ROBINSON	CERNA, EDITH E	M0748705	SC, MISDEMEANOR SECTION 5300 WISCONSIN AVE NW
	07/17/2005 18:00	05094563	UNLAWFUL ENTRY BRANDI KING GARCIA	HORN, JOSEPH X	M0733205	SC, MISDEMEANOR SECTION 6001 GA AVE NW
	07/18/2005 20:45	05095193	THEFT 2ND DEGREE SHAI A. LITTLEJOHN	PEHRSON, MARIA B	M0737605	SC, MISDEMEANOR SECTION 5300 WISCONSIN AVE NW
	07/18/2005 22:20	05095233	THEFT 2ND DEGREE SHAI A. LITTLEJOHN	MCAVOY, JASON Z	M0735705	SC, MISDEMEANOR SECTION 4541 WISCONSIN AVE NW

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	07/23/2005 18:48	05097802	BURGLARY I JOCELYN S. BALLANTINE	ROUNDTREE, DONNA M	F0412905	GRAND JURY SECTION 5201 CONN AVE NW
	07/27/2005 16:20	05099886	THEFT 2ND DEGREE	LONG, ANDREW E	M0779505	SC, MISDEMEANOR SECTION 4200 CHESAPEAKE STREET N
204	07/09/2005 17:45	05090494	THEFT 2ND DEGREE DARRYL BLANE BROOKS	BERTHOUD, MARIA L	M0704305	SC, MISDEMEANOR SECTION 3320 IDAHO AVE NW
204	07/14/2005 15:25	05092928	THEFT 2ND DEGREE FERNANDO CAMPOAMOR- SANCHEZ	FONSECA, JAMES E	M0723505	SC, MISDEMEANOR SECTION 2660 WOODLEY ROAD NW
	07/17/2005 20:05	05026173	THEFT 2ND DEGREE EMILY A. MILLER	SCOTT, RICKY	M0730505	SC, MISDEMEANOR SECTION 900 FLORIDA AVE NW
	07/22/2005 02:30	05096910	SIMPLE ASSAULT	CARDOSO, NUMO D	M0825205	SC, MISDEMEANOR SECTION 2323 WISCONSIN AVE NW

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	07/03/2005 07:30	05087358	SIMPLE ASSAULT	GRIFFITH, SEAN A	M0675405	SC, MISDEMEANOR SECTION 3700 S STREET N.W.
	07/05/2005 18:45	05088504	UCSA POSS MARIJUANA MELISSA M. NASRAH	MARSHALL, DONNELL A	M0683105	SC, MISDEMEANOR SECTION 3200 BLK M ST NW
	07/09/2005 04:45	05090261	ARMED ROBBERY ALEXANDER D. SHOAIBI	BROOKS, ANTWANE L	F0384305	SC, MAJOR CRIMES 2800 DUMBARTON ST NW
	07/09/2005 04:45	05090261	ARMED ROBBERY ALEXANDER D. SHOAIBI	BROOKS, XAVIER D	F0384405	SC, MAJOR CRIMES 2800 DUMBARTON ST NW
	07/09/2005 19:50		THEFT 2ND DEGREE SHAUN M. PALMER	GRANHAM, LEONARD	M0768305	SC, MISDEMEANOR SECTION 3111 M STREET NW
	07/13/2005 00:40	05092109	UNLAWFUL ENTRY CHARLES N. FLOYD	WELSH, MICHAEL J	M0716705	SC, MISDEMEANOR SECTION 2800 PENNSYLVANIA AVE NW
	07/16/2005 02:00	05093775	THEFT 2ND DEGREE MIRIAM A. VALOY	PIERSON, GREGORY A	M0728305	SC, MISDEMEANOR SECTION 3100 M STREET NW

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	07/18/2005 01:03	05094727	ROBBERY JOCELYN S. BALLANTINE	ALVARADO, UMANA M	F0399405	GRAND JURY SECTION 1000 BLK 24TH ST NW
	07/18/2005 01:45	05094727	ROBBERY JOCELYN S. BALLANTINE	ARRIAZA, ALEXIS L	F0399305	GRAND JURY SECTION 29TH & M ST NW
206	07/19/2005 17:40	05095539	THEFT 2ND DEGREE	LANE, JESSICA E	M0797305	SC, MISDEMEANOR SECTION 3111 M STREET NW
206	07/20/2005 19:00	05038804	RECEIVE STOLEN GOODS JOCELYN S. BALLANTINE	MCFADDEN, DORIS E	F0405505	GRAND JURY SECTION 200 BLK W ST NW
	07/20/2005 20:30	05096243	THEFT 2ND DEGREE DARRYL BLANE BROOKS	FOYE, JOHNNIE H	M0748905	SC, MISDEMEANOR SECTION 1403 WISCONSIN AVE NW
206	07/21/2005 18:15	05096695	THEFT 2ND DEGREE SAMUEL R. RAMER	SMITH, KIESHA M	M0751805	SC, MISDEMEANOR SECTION 3111 M ST NW
	07/23/2005 21:25	05097875	THEFT 2ND DEGREE	DAVIS, CHERIE	M0797405	SC, MISDEMEANOR SECTION 3111 M ST NW

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	07/29/2005 10:30	05100720	THEFT 2ND DEGREE MICHAEL ENGEL	PETTIS, THOMAS J	M0786505	SC, MISDEMEANOR SECTION 1403 WISC NW
	07/03/2005 00:55	05087184	UCSA POSS MARIJUANA MICHAEL ENGEL	BARRETT, MICHAEL L	M0701005	SC, MISDEMEANOR SECTION 2500 BLK M ST NW
	07/04/2005 00:45	05021247	UNLAWFUL ENTRY SCHARN ROBINSON	LIM, PENG H	M0674405	SC, MISDEMEANOR SECTION P ST BEACH NW
	07/04/2005 22:35	05021411	UCSA POSS MARIJUANA EMILY A. MILLER	ROSS, SEAN	M0742905	SC, MISDEMEANOR SECTION 17TH STREET @ INDEPENDEN
	07/04/2005 22:35	05021411	UCSA POSS MARIJUANA MICHAEL ENGEL	AHEARN, DAVID F	M0742805	SC, MISDEMEANOR SECTION 17TH STREET @ INDEPENDEN
	07/05/2005 00:19	05088133	BURGLARY II JOCELYN S. BALLANTINE	GOMILLION, DARRYL S	F0376005	GRAND JURY SECTION 2445 M STREET NW
207	07/05/2005 02:05	05053113	THEFT 2ND DEGREE WILLIAM RUBENS	THOMPSON, NADINE	M0684605	SC, MISDEMEANOR SECTION 1710 RHODE ISLAND AVE NW

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207	07/11/2005 17:30		THEFT 2ND DEGREE SAMUEL R. RAMER	PFEFERMAN, ROBERT L	M0745205	SC, MISDEMEANOR SECTION 800 21ST ST NW
207	07/14/2005 09:20		SIMPLE ASSAULT PEGGY G. BENNETT	CLOWE, DIANE M	M0721805	SC, MISDEMEANOR SECTION 900 23 STREET N.W.
207	07/18/2005 21:20	05095182	UCSA POSS MARIJUANA	LITTLES, EZEL W	M0769605	SC, MISDEMEANOR SECTION WASHINGTON CIRCLE AT 23R
207	07/30/2005 01:30	05101168	UNLAWFUL ENTRY BRANDI KING GARCIA	MILLER, RON B	M0786105	SC, MISDEMEANOR SECTION 2601 VIRGINIA AVE NW

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_	07/01/2005 17:05	05086653	CARRY PISTOL W/OUT LICENSE-OUTSIDE HOME/BUSIN	MCCARTHUR, ANTONIO	F0371105	3720 MCKINLEY STREET NW
_	07/11/2005 14:30	05091337	UCSA POSS MARIJUANA CHARLES N. FLOYD	PACI, JOSHUA M	M0706105	SC, MISDEMEANOR SECTION CONN AVE & NEBRASKA AVE
	07/15/2005 13:30	05091305	ROBBERY JOCELYN S. BALLANTINE	DORMAN, RICHARD J	F0396205	GRAND JURY SECTION 500039TH ST
	07/28/2005 16:50	05100370	CONTEMPT (FELONY) JOCELYN S. BALLANTINE	DORMAN, RICHARD J	F0425205	SC, FELONY SECTION 5000 BLK RENO RD NW
	07/01/2005 01:15	05086272	ROBBERY EDWARD A. O'CONNELL	GUTIERREZ, JOSE J	F0368705	GRAND JURY SECTION 4100 CONN AVE NW
	07/05/2005 11:00	05139701	THEFT 1ST DEGREE JOCELYN S. BALLANTINE	BROWN, NORA J	F0376805	SC, FELONY SECTION 500 INDIANA AVE.N.W.

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202	07/10/2005 18:00	05090971	THEFT 2ND DEGREE SCHARN ROBINSON	CERNA, EDITH E	M0748705	SC, MISDEMEANOR SECTION 5300 WISCONSIN AVE NW
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	07/18/2005 20:45	05095193	THEFT 2ND DEGREE SHAI A. LITTLEJOHN	PEHRSON, MARIA B	M0737605	SC, MISDEMEANOR SECTION 5300 WISCONSIN AVE NW
	07/18/2005 22:20	05095233	THEFT 2ND DEGREE SHAI A. LITTLEJOHN	MCAVOY, JASON Z	M0735705	SC, MISDEMEANOR SECTION 4541 WISCONSIN AVE NW

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	07/17/2005 20:05	05026173	THEFT 2ND DEGREE EMILY A. MILLER	SCOTT, RICKY	M0730505	SC, MISDEMEANOR SECTION 900 FLORIDA AVE NW
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	07/09/2005 04:45	05090261	ARMED ROBBERY ALEXANDER D. SHOAIBI	BROOKS, ANTWANE L	F0384305	SC, MAJOR CRIMES 2800 DUMBARTON ST NW
	07/09/2005 04:45	05090261	ARMED ROBBERY ALEXANDER D. SHOAIBI	BROOKS, XAVIER D	F0384405	SC, MAJOR CRIMES 2800 DUMBARTON ST NW
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	07/13/2005 00:40	05092109	UNLAWFUL ENTRY CHARLES N. FLOYD	WELSH, MICHAEL J	M0716705	SC, MISDEMEANOR SECTION 2800 PENNSYLVANIA AVE NW
	07/16/2005 02:00	05093775	THEFT 2ND DEGREE MIRIAM A. VALOY	PIERSON, GREGORY A	M0728305	SC, MISDEMEANOR SECTION 3100 M STREET NW

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206	07/19/2005 17:40	05095539	THEFT 2ND DEGREE	LANE, JESSICA E	M0797305	SC, MISDEMEANOR SECTION 3111 M STREET NW
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	07/20/2005 20:30	05096243	THEFT 2ND DEGREE DARRYL BLANE BROOKS	FOYE, JOHNNIE H	M0748905	SC, MISDEMEANOR SECTION 1403 WISCONSIN AVE NW
206	07/21/2005 18:15	05096695	THEFT 2ND DEGREE SAMUEL R. RAMER	SMITH, KIESHA M	M0751805	SC, MISDEMEANOR SECTION 3111 M ST NW
	07/23/2005 21:25	05097875	THEFT 2ND DEGREE	DAVIS, CHERIE	M0797405	SC, MISDEMEANOR SECTION 3111 M ST NW

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	07/03/2005 00:55	05087184	UCSA POSS MARIJUANA MICHAEL ENGEL	BARRETT, MICHAEL L	M0701005	SC, MISDEMEANOR SECTION 2500 BLK M ST NW
	07/04/2005 00:45	05021247	UNLAWFUL ENTRY SCHARN ROBINSON	LIM, PENG H	M0674405	SC, MISDEMEANOR SECTION P ST BEACH NW
	07/04/2005 22:35	05021411	UCSA POSS MARIJUANA EMILY A. MILLER	ROSS, SEAN	M0742905	SC, MISDEMEANOR SECTION 17TH STREET @ INDEPENDEN
	07/04/2005 22:35	05021411	UCSA POSS MARIJUANA MICHAEL ENGEL	AHEARN, DAVID F	M0742805	SC, MISDEMEANOR SECTION 17TH STREET @ INDEPENDEN
	07/05/2005 00:19	05088133	BURGLARY II JOCELYN S. BALLANTINE	GOMILLION, DARRYL S	F0376005	GRAND JURY SECTION 2445 M STREET NW
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207	07/18/2005 21:20	05095182	UCSA POSS MARIJUANA	LITTLES, EZEL W	M0769605	SC, MISDEMEANOR SECTION WASHINGTON CIRCLE AT 23R
207	07/30/2005 01:30	05101168	UNLAWFUL ENTRY BRANDI KING GARCIA	MILLER, RON B	M0786105	SC, MISDEMEANOR SECTION 2601 VIRGINIA AVE NW